

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**BRITTANY M. LEE**

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)

**Case No.: 1:08-cr-68-WC**

**UNOPPOSED MOTION TO CONTINUE TRIAL**

**NOW COMES** the Defendant, **BRITTANY M. LEE**, by and through the undersigned counsel, Michael J. Petersen, and respectfully moves this Court to reset the above-referenced matter now scheduled for trial on the July 14, 2008 misdemeanor trial docket to allow for the consideration of pretrial diversion in this matter. In support of this Motion, defendant would show:

1. On May 13, 2008, Ms. Lee was arraigned on an Information charging offenses involving theft of government property.
2. Pursuant to recent plea negotiations, both parties agree that a resolution of this matter should be reached. Central to a potential resolution of this matter is the possibility of Ms. Lee's acceptance into the pre-trial diversion program.
3. Undersigned counsel has prepared a Pretrial Diversion Request for the Defendant and has forwarded the same to Special United States Attorney Emily Ruisanchez. Special United States Attorney Ruisanchez has agreed that diversion is an appropriate resolution and has forwarded her recommendation to the United States Attorney's office. If the Government agrees that diversion is the appropriate disposition of the case, the case will then be presented to the United States Probation Office for its determination of whether or not to accept Ms. Lee into the

program.

4. Ms. Lee respectfully requests a continuance from the current misdemeanor trial setting on July 14, 2008, in order that the United States Attorney's Office may consider her qualifications and application for pre-trial diversion and, should she be approved, for the United States Probation Office to investigate and consider her qualifications and application for pre-trial diversion.

5. The Government, through Special United States Attorney Emily Ruisanchez has no opposition to the granting of this Motion.

6. While requests for a continuance are addressed to the sound discretion of the trial court, *United States v. Darby*, 744 F.2d 1508, 1521(11thCir. 1984), *reh'g denied* 749 F.2d 733, *cert. denied*, 471 U.S. 1100 (1985), undersigned counsel feels that, in this case, because prosecution may be deferred/diverted if pretrial diversion is granted, it is in the interest of justice to continue the trial in this matter so as to allow Ms. Lee the opportunity to pursue diversion. 18 U.S.C. §§ 3161(h)(2) and 3161(h)(8)(B)(I).

**WHEREFORE**, defendant respectfully requests that this Motion be granted and the trial now set on the July 14, 2008, misdemeanor trial docket be continued.

Dated this 27th day of June 2008.

Respectfully submitted,

s/ Michael J. Petersen  
MICHAEL J. PETERSEN  
Assistant Federal Defender  
201 Monroe Street, Suite 407  
Montgomery, Alabama 36104  
Phone: (334) 834-2099  
Fax: (334) 834-0353  
E-mail: [michael\\_petersen@fd.org](mailto:michael_petersen@fd.org)  
ASB-5072-E48M

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 27, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:  
Kent Brunson, Assistant U.S. Attorney and Special Assistant U.S. Attorney, Emily M. Ruisanchez.

Respectfully submitted,

s/ Michael J. Petersen  
MICHAEL J. PETERSEN  
Assistant Federal Defender  
201 Monroe Street, Suite 407  
Montgomery, Alabama 36104  
Phone: (334) 834-2099  
Fax: (334) 834-0353  
E-mail: [michael\\_petersen@fd.org](mailto:michael_petersen@fd.org)  
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